

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 060418103-6181-02]

RIN 0648-XD92

Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Period 2 Quota Harvested

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure of spiny dogfish fishery.

SUMMARY: NMFS announces that the spiny dogfish commercial quota available to the coastal states from Maine through Florida for the semi-annual quota period, November 1, 2007 - April 30, 2008, has been harvested. Therefore, effective 0001 hours, November 16, 2007, federally permitted commercial vessels may not fish for, possess, transfer, or land spiny dogfish until May 1, 2008, when the 2008 Period 1 quota becomes available. Federally permitted dealers are also advised that they may not purchase spiny dogfish from federally permitted spiny dogfish vessels through April 30, 2007. Regulations governing the spiny dogfish fishery require publication of this notification to advise the coastal states from Maine through Florida that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no Federal commercial quota is available for landing spiny dogfish in these states. This action is necessary to prevent the fishery from exceeding its Period 2 quota and to allow for effective management of this stock.

DATES: Effective at 0001 hr local time, November 16, 2007, through 2400 hr local time April 30, 2008.

FOR FURTHER INFORMATION CONTACT: Don Frei, Fisheries Management Specialist, at (978) 281-9221, or Don.Frei@Noaa.gov.

SUPPLEMENTARY INFORMATION:

Regulations governing the spiny dogfish fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota, which is allocated into two quota periods based upon percentages specified in the fishery management plan. The commercial quota is distributed to the coastal states from Maine through Florida, as described in § 648.230.

The initial total commercial quota for spiny dogfish for the 2007 fishing year is 4 million lb (1.81 million kg) (71 FR 40436, July 17, 2006). The commercial quota is allocated into two periods (May 1 through October 31, and November 1 through April 30). Vessel possession limits are intended to preclude directed fishing, and they are set at 600 lb (272 kg) for both quota Periods 1 and 2. Quota Period 1 is allocated 2.3 million lb (1.05 million kg), and quota Period 2 is allocated 1.7 million lb (763,849 kg) of the commercial quota. The total quota cannot be exceeded, so landings in excess of the amount allocated to quota Period 1 have the effect of reducing the quota available to the fishery during quota Period 2.

The Administrator, Northeast Region, NMFS (Regional Administrator) monitors the commercial spiny dogfish quota for each quota period and, based upon dealer reports, state data, and other available information, determines when the total commercial quota will be harvested. NMFS is required to publish a notification in the **Federal Register** advising and notifying commercial vessels and dealer permit holders that, effective upon a specific date, the Federal spiny dogfish commercial quota has been harvested and no Federal commercial quota is available for landing spiny dogfish for the remainder of that quota period.

Section 648.4(b) provides that Federal spiny dogfish permit holders agree, as a condition of the permit, not to land spiny dogfish in any state after NMFS has published notification in the **Federal Register** that the commercial quota has been harvested and that no commercial quota for the spiny dogfish fishery is available. Therefore, effective 0001 hr local time, November 16, 2007, landings of spiny dogfish in coastal states from Maine through Florida by vessels holding commercial Federal fisheries permits are prohibited through April 30, 2008, 2400 hr local time. The 2008 Period 1 quota will be available for commercial spiny dogfish harvest on May 1, 2008. Effective November 16, 2007, federally permitted dealers are also advised that they may not purchase spiny dogfish from vessels issued Federal spiny dogfish permits that land in coastal states from Maine through Florida.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 13, 2007.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 660**

RIN 0648-AV57

[Docket No. 070510101-7101-01]

Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Emergency Rule Extension

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; emergency action extended.

SUMMARY: NMFS is extending the temporary rule to prohibit vessels without sector-specific participation history in the directed Pacific whiting (whiting) fishery off the West Coast from participating in the whiting fishery. This emergency rule extension is necessary to prevent serious conservation and management problems that could be caused by new entrants and to maintain status quo participation while the Pacific Fishery Management Council (Council) completes its efforts to develop a vessel license limitation program through an amendment to the Pacific Coast Groundfish Fishery Management Plan (FMP.)

DATES: Effective from November 14, 2007, through May 13, 2008.

ADDRESSES: Copies of the Finding of No Significant Impact (FONSI) and its supporting Environmental Assessment (EA) for the emergency rule are available from Frank D. Lockhart, Assistant Regional Administrator for Sustainable Fisheries, Northwest Region, NMFS 7600 Sand Point Way, NE, Seattle, WA 98115-0070.

FOR FURTHER INFORMATION CONTACT: Frank Lockhart (Northwest Region, NMFS,) phone: 206-526-6142; fax: 206-526-6736; and email: frank.lockhart@noaa.gov.

SUPPLEMENTARY INFORMATION:**Electronic Access**

The temporary rule also is accessible via the Internet at the Office of the **Federal Register's** website at <http://>